

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CALVIN N ROUSE.

**Plaintiff,**

v.

KIRIKO, et al.,

## Defendants.

Case No. C21-5386 DGE-TLF

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR EXTENSION OF  
TIME TO FILE SUPPLEMENTAL  
RESPONSE**

This matter comes before the Court on plaintiff's motion for extension of time to respond to defendants' motion for summary judgment. Dkt. 46. This is plaintiff's third request to the Court for additional time to respond to defendants' motion. Dkts. 31, 40. The Court has given plaintiff additional time (Dkts. 39, 44), and most recently, granted plaintiff until November 14, 2022, to file a supplemental response to defendants' motion for summary judgment *if* his initial response remained incomplete. Dkt. 44.

In the instant motion, plaintiff does not specify the amount of time he seeks for an extension. He simply states that the additional time provided by the Court was still not enough time for him to respond to defendants' motion because he does not have access to his legal property or law library. Dkt. 46 at 1.

Defendants assert that plaintiff may use the facility law library to conduct research, and further, plaintiff has been informed that he has access to the facility law library by merely making a request. See Dkt. 49 (Declaration of Rochelle Stephens in

**ORDER GRANTING PLAINTIFF'S MOTION FOR  
EXTENSION OF TIME TO FILE SUPPLEMENTAL  
RESPONSE - 1**

1 Support of Response to Motion for Extension) at Attachment A; ¶5. They assert plaintiff  
2 has not made this request. *Id.*

3 Under Fed. R. Civ. P. 16 (b)(4), “[a] schedule may be modified only for good  
4 cause and with the judge’s consent”. While plaintiff has been given ample time to file a  
5 supplemental response to defendants’ motion for summary judgment, the Court  
6 understands there may be confusion associated with obtaining access to documents or  
7 a library when a person is incarcerated and has been transferred from one prison to  
8 another (see Dkt. 40 at 3); the Court will grant plaintiff one final extension to file a  
9 supplemental response. No further extensions will be allowed. Thus, plaintiff’s motion  
10 for an extension of time is GRANTED.

11 Plaintiff must file his supplemental response no later than December 5, 2022.  
12 Defendants should file their reply brief by December 9, 2022. The Clerk is directed to re-  
13 note defendants’ motion for summary judgment to December 9, 2022.

14

15 Dated this 14th day of November, 2022.

16

17



18

---

19 Theresa L. Fricke  
United States Magistrate Judge

20

21

22

23

24

25

ORDER GRANTING PLAINTIFF’S MOTION FOR  
EXTENSION OF TIME TO FILE SUPPLEMENTAL  
RESPONSE - 2